

DEFENDANTS' NOVEMBER 12 DESIGNATION OF ERIC MADL
(Counter-Designations in italicized text)
September 23, 2005

Page/Line Cite	Plaintiffs' Objection & Counter (include specific page and line numbers of material objected to and objection(s))	Defendants' Response
5:1-3		
5:8-11 starting with "would you"		
6:21-24 starting with "Now,"		
7:7-8 ending with "In Escravos."		
8:6-10		
9:21-25 starting with "Was it"		
10:2-3		
10:6-9		
10:11-24		

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14:8-20 starting with "Let me" Exhibit 1583		
15:2 starting with "Do you" - 9 ending with "flight was"		
15:11 "from Escravos" only		
15:23-24		
16:1-2		
16:9-22 starting with "What did"		
16:24-25 starting with "the next"		

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17:4-14 starting with "It means"		
19:1-4		
19:15-16		
20:10-12	While plaintiffs do not object to this testimony, they will introduce rebuttal evidence at the appropriate juncture in the case that impeaches P/AN pilot Madl's testimony that no passengers got out of this helicopter before he actually touched down and landed on the barge on the morning of May 28, 1998.	Defendants will respond to plaintiffs' rebuttal evidence if and when plaintiffs identify and attempt to introduce it.
21:9-10	While plaintiffs do not object to this testimony, they will introduce rebuttal evidence at the appropriate juncture in the case concerning pilot Madl's testimony that the GSF Madl flew to the barge on the morning of May 28, 1998 did not shoot their guns before Madl landed.	Defendants will respond to plaintiffs' rebuttal evidence if and when plaintiffs identify and attempt to introduce it.

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21:13 ending with "No"	While plaintiffs do not object to this testimony, they will introduce rebuttal evidence at the appropriate juncture in the case concerning this testimony that the GSF flown with Neku by PAAN pilot Madl on the morning of May 28, 1998 did not shoot their guns before Madl landed.	Defendants will respond to plaintiffs' rebuttal evidence if and when plaintiffs identify and attempt to introduce it.
22:1		
22:4-14	Objection as to 22:5-12 (beginning with "the security guy" and ending with "problem") as nonresponsive, as the question is "what did you (i.e., pilot Madl) do?" Moreover, this testimony lacks foundation and calls for speculation as to what "the Chevron guy's "job actually was " and "why he was taken along", etc.	Responsive; Madl describes what he sees and does. Testimony does not lack foundation (see 23:15-24:2) because Madl testifies that he requested that someone with knowledge of helicopters go with him.
22:16-21 starting with "Could you"		

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23:15-17	<p>Objection: Lacks foundation, calls for speculation. Further, PAAN pilot Madl's "understanding of why the Chevron Nigeria security man was on your flight" is irrelevant; what is relevant is that CNL Senior Security Officer Neku was on the flight, as well as what Neku did and did not do as observed by Madl. Nothing Madl did depended on what his understanding of Neku's job was, so Madl's state of mind is irrelevant.</p>	<p>This testimony is foundation for Madl's testimony at 22:4-14 that the CNL security man was there to make sure that the GSF knew how to properly disembark the helicopters. It is not speculative because Madl personally saw the CNL security engage in the activities of ensuring that the GSF properly disembarked the helicopters. This testimony also corroborates Neku's testimony of why he was present.</p>
23:20-24:2	<p>Objection: Lacks foundation, calls for speculation. Further, what PAAN pilot Madl's "understanding of why the Chevron Nigeria security man was on your flight" is irrelevant; what is relevant is that CNL Senior Security Officer Neku was on the flight, as well as what he did and did not do. Nothing Madl did depended on what his understanding of Neku's job was, so Madl's state of mind is irrelevant.</p>	<p>This testimony is foundation for Madl's testimony at 22:4-14 that the CNL security man was there to make sure that the GSF knew how to properly disembark the helicopters. It is not speculative because Madl personally saw the CNL security engage in the activities of ensuring that the GSF properly disembarked the helicopters. This testimony also corroborates Neku's testimony of why he was present.</p>

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26:3-14 ending with "here 7.25."	Objection as to everything following "department" at line 6 to line 10: Nonresponsive. Questions were "What was your next flight?" and "What time did you leave Escravos...?" Madl's testimony concerning who the passengers were, whether they were male or female and as to whether those personnel "probably have been waiting" for Madl "already" is nonresponsive.	Answer to "What was your next flight?" is responsive; and defendants have only designated the first sentence of the response to "What time did you leave . . .?", and that answer is responsive.
26:21-22		
27:2-15		
29:10-13		
29:22 starting with "Who were"		
29:25-30:8 starting with "it was the two"		